

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji SATO, et al.
Application No. 08/750,641
Filing Date : 16 December 1996
Title : SCHEDULE SETTING AND PROCESSING SYSTEM
Art Unit : Office of Petitions
Examiner : L. Walsh

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF
DANIEL G. SHANLEY**

I, the undersigned, Daniel G. Shanley, make this declaration in support of the Renewed Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR § 1.137(b) for the above identified application.

1. From about January 9, 2006, I have been an associate of Kenyon & Kenyon LLP ("Kenyon") in Kenyon's Washington, DC office.
2. At Kenyon, I primarily prosecute patent applications in the mechanical and electrical arts, including prosecuting patent applications for Toyota Jidosha Kabushiki Kaisha ("Toyota"), the assignee of U.S. Patent Application Serial No. 08/750,641 ("641").
3. Shawn W. O'Dowd, a partner at Kenyon, is the supervising partner for most of the applications I prosecute for Toyota.
4. As of July 10, 2008, I was not docketed as a responsible attorney for '641, and to my knowledge, had no prior involvement with that case. On or about September 15, 2008, I was formally docketed as a responsible attorney for '641.
5. On July 10, 2008, presumably because I regularly assist with Toyota applications, I was forwarded a communication from Toyota's Japanese counsel inquiring as to the status of the

'641 application. The communication was addressed to William Curry, a former Kenyon employee. On that day, I replied to Toyota's Japanese counsel, indicating that Kenyon would look into the matter.

6. On July 10, 2008, I asked my assistant, Ingrid Hodge, to inquire as to the status of '641 immediately.

7. Later in the day on July 10, 2008, I learned from Ingrid Hodge for the first time that '641 may be abandoned.

8. I then asked Ingrid Hodge to obtain a partial file wrapper from the USPTO, so as to confirm that the '641 application had in fact abandoned.

9. On or about July 13, 2008, based on my review of a copy of USPTO's filewrapper for '641, I first gained actual knowledge that '641 had become abandoned.

10. On or about July 14, 2008, I reported my findings regarding the status of '641 to Toyota's Japanese counsel.

11. On or about July 23, 2008, Toyota's Japanese counsel directed Kenyon to file a petition to revive '641. At or about this time, Shawn W. O'Dowd took over primary responsibility for the '641 application.

12. I had no significant involvement with the filing of a petition to revive '641, other than providing information relevant to the preparation of this declaration.

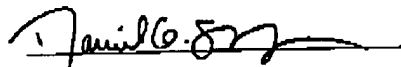
13. Prior to July 10, 2008, I do not recall the Office or anyone at Kenyon advising me that '641 had been abandoned.

14. To my knowledge and belief, the entire delay in filing the required reply for '641 from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

I declare that all of the above statements made based on my own knowledge are true and that all of the above statements that were made on information and belief are believed to be true,

and further declare that these statements are made with the knowledge that knowing, willful and materially false statements, as are defined under Section 1001 of Title 18 of the United States Code, are punishable by fine, imprisonment, or both under Section 1001, and that such statements may affect the validity of the any patent issuing from '641 if the application is revived.

Dated: 10 December 2008


Daniel G. Shanley